

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAUL R. GONZALES,

Defendant.

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Case No. 3:16-cr-05019-01-MDH

ORDER

Before the Court is Defendant's Motion to Dismiss Indictment (Doc. 37), the Report and Recommendation of the United States Magistrate Judge. (Doc. 46), and Defendant's Objections to the Report and Recommendation. (Doc. 48). Defendant requests dismissal of the indictment on because the indictment is defective, and because the Government's conduct represents a vindictive prosecution without substance. (Doc. 37).

The Court reviews the Magistrate Judge's Report and Recommendation *de novo*. *United States v. Azure*, 539 F.3d 904, 909 (8th Cir. 2008). The Court has reviewed Defendant's Motion (Doc. 37), the Government's Opposition (Doc. 41), the Magistrate Judge's Report and Recommendation (Doc. 46), Defendant's Objections (Doc. 48), and the Government's response to Defendant's Objections (Doc. 49).

After review, the Court agrees with the Report and Recommendation of the United States Magistrate Judge. Additionally, the Court does not find the additional arguments made in Defendant's Objections persuasive for the reasons stated in the Government's response.

Therefore, **IT IS HEREBY ORDERED** that the Report and Recommendation (Doc. 46) of the United States Magistrate Judge is **ADOPTED** in full, and the Court hereby **DENIES** Defendant's Motion to Dismiss Indictment (Doc. 37).

IT IS SO ORDERED:

Date: November 9, 2017

/s/ Douglas Harpool
DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE